

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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NICHOLAS SANDS, and SANDS & COMPANY, INC.,

07 CIV 9824

Plaintiffs,

-against-

AFFIDAVIT IN  
SUPPORT

LEONARD BERNSTEIN and JANE HOLMES BERNSTEIN,

Defendants.

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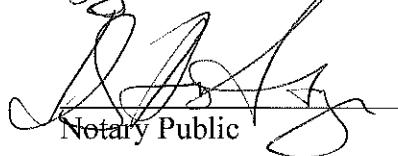
JANE HOLMES BERNSTEIN, being duly sworn deposes and says the following:

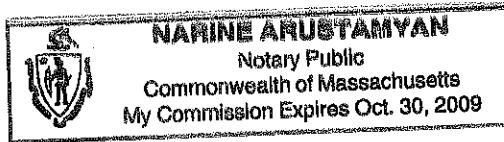
1. I am a defendant in this action.
2. I submit this affidavit in full support of the within Motion seeking an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting Summary Judgment against Nicholas Sands (“SANDS”) on the grounds that there are no disputed issues of material fact requiring trial and defendants are entitled to judgment in their favor as a matter of law.
3. I have reviewed the within Motion for Summary Judgment. Upon information and belief, and based on personal knowledge, I believe that the motion is true and that SANDS’ complaint should be dismissed.
4. Leonard Bernstein is the owner of Electric Chair and as his wife I have an interest in the painting.
5. Everything that Leonard Bernstein has stated in his affidavit is true and I fully support this motion for summary judgment.

**WHEREFORE**, it is respectfully requested that the Motion for Summary Judgment be granted in its entirety, dismissing SANDS complaint and for such other and further relief as this Court may deem just and proper.

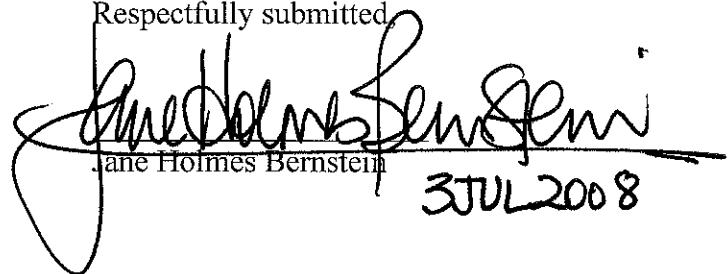
Sworn to before me on

July 3, 2008

  
Notary Public



Respectfully submitted

  
Jane Holmes Bernstein  
3JUL2008